

**§103.1951 Purpose and Intent of the Centre City Transit and Parking Improvement Fund**

- (a) It is the intent of the City Council to create a Transit and Parking Improvement Fund as a permanent and renewable source of revenue to meet, in part, the transit and parking needs of the Centre City Community Plan.
- (b) It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the non-profit sector to further the goals of Sections 103.1951 through 103.1958.
- (c) It is the further intent of the City Council to improve and maintain existing public transit facilities and to provide for new such facilities as necessitated by new non- residential development within Centre City.

*(Added 5-11-1992 by O-17766 N.S.)*

**§103.1952 Definitions**

For purposes of Sections 103.1951 through 103.1958, the following definition applies:

"Net Floor Area" means the total horizontal square footage of existing, proposed or potential floors of building(s), as defined in Land Development Code Section 113.0103 for Gross Floor Area, but not including space devoted to parking and common circulation and mechanical equipment areas such as enclosed exterior stairwells, enclosed exterior elevator shafts, interior elevator shafts, interior stairwells, ramps and mechanical equipment rooms.

*(Amended 4-7-1998 by O-18480 N.S.; effective 1-1-2000.)*

**§103.1953 Boundaries**

Sections 103.1951 through 103.1958 apply to all property located in the Centre City Community Planning Area shown in Figure 1 of this division, except for lands located within the jurisdiction of the San Diego Unified Port District which are subject to the provisions of the San Diego Port District Act, the Tidelands Trust and the California Coastal Act of 1976.

*(Amended 4-7-1998 by O-18480 N.S.; effective 1-1-2000.)*

**§103.1954 Establishment of the Centre City Transit and Parking Improvement Fund**

- (a) There is hereby established a fund to be known and denominated as the Centre City Transit and Parking Improvement Fund. The fund shall consist of funds derived from the fees to be paid to the City pursuant to provisions of Sections 103.1951 through 103.1958 and any other appropriations as determined from time to time by legislative action of the City Council. This fund shall be administered by the City pursuant to the provisions of Sections 103.1951 through 103.1958, and in conjunction with the Centre City Community Plan, the Three-Year Program Plan identified in Section 103.1956, the appropriation ordinances and Council policies applicable thereto.
  - (b) Fees shall be calculated by multiplying the new Net Floor Area of the project by the amount of the Transit and Parking Improvement Fee identified in Table 1 of Section 103.1954.
  - (c) Residential and Single Room Occupancy (SRO) hotel projects are exempt from the requirements of this Section.
  - (d) Fees shall be calculated at the level in effect when the building permit is issued.
  - (e) Fees shall be paid at issuance of the Certificate of Occupancy.
  - (f) Fees shall be valid for not more than two years after the issuance of the building permit. After two years, the level of fees will be calculated at the current level in effect at that time.
  - (g) The payment of fees shall be credited to any citywide or regional transportation fees applied to downtown.
- (Added 5-11-1992 by O-17766 N.S.)*

**§103.1955 Purpose and Use of Centre City Transit and Parking Improvement Fund**

- (a) Funds in the fund shall be used solely for programs and administrative support approved by the City Council to meet the transit and parking needs of the Centre City Community Plan. These programs shall include those providing transit and parking facilities and improvements through redevelopment of land within Centre City.
- (b) It is the intent of the City Council to coordinate with the Metropolitan Transit Development Board (MTDB) to implement the programs and projects contemplated herein.

- (c) The provisions of Sections 103.1951 through 103.1058 shall apply to any non-residential construction, erection, conversion, establishment, alteration, enlargement, or change in use in any area of Centre City identified in Section 103.1953 that results in an increase in the Net Floor Area of a building by greater than twenty percent (20%) or five thousand (5,000) square feet, whichever is greater.

*(Amended 4-7-1998 by O-18480 N.S.; effective 1-1-2000.)*

#### **§103.1956 Criteria For Expenditure**

While the existing street and transportation system is at capacity in many locations, it is adequate to meet current transportation needs. The redevelopment of the Centre City Community Planning area and the construction of new non-residential development will place unmitigatable demands on the existing street and transportation system.

Funds in the fund shall be used solely for the provision of transit and parking facilities and improvements that benefit the Centre City Community Planning area by increasing the peak period work-related transit mode split with an ultimate goal of forty percent (40%).

This is necessitated by the increased transportation demand generated by new non-residential development anticipated to occur in the Centre City Community Planning area and as further provided for in the Centre City Community Plan, Centre City Planned District Ordinance, Centre City Parking Ordinance and the Centre City Redevelopment Plan.

To this end, a Three Year Program Plan shall be established that will provide for the timely expenditure of the funds. Projects may include but are not limited to the purchase of transit vehicles, bus shelters, implementation of the Park Boulevard light rail transit line and other guideway improvements.

*(Added 5-11-1992 by O-17766 N.S.)*

#### **§103.1957 Three-year Program Plan**

Prior to the commencement of the fiscal year and annually thereafter, Centre City Development Corporation (CCDC) shall adopt a Three-Year Program Plan and present it to Council for action. This document shall plan for the following three (3) years. The Program Plan shall set forth with respect to the three-year period a description of all programs to be funded with funds from the Transit and Parking Improvement Fund specifying the intended beneficiaries of the program. All disbursements from the fund shall be consistent with the Program Plan. The Program

Plan shall comply with all of the applicable requirements of California State law.  
(Added 5-11-1992 by O-17766 N.S.)

**§103.1958 Reserve Fund**

The City may establish and maintain a reserve fund account adequate to preserve the ability of the fund to take maximum advantage of unforeseen opportunities in assisting transit and parking facilities and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by CCDC. CCDC shall establish procedures for maintaining such a fund.

<b>LAND USE CLASSIFICATIONS</b> (As defined in section 103.1925)	<b>TRANSIT AND PARKING IMPROVEMENT FEE</b>
<b>A. RESIDENTIAL</b>	
Group Residential	-
Live/Work Quarters (loft)	-
Living Units	-
Multifamily Units	-
Senior Citizen Housing	-
<b>B. COMMERCIAL/PROFESSIONAL OFFICE</b>	
Professional and Business Office	\$3.75 per square foot
Governmental Offices	\$3.75 per square foot
<b>C. COMMERCIAL RETAIL</b>	
Food/Grocery Sales	\$1.50 per square foot
Retail Sales	\$1.50 per square foot
Wholesale/Retail Sales	\$0.75 per square foot

<b>LAND USE CLASSIFICATIONS</b> (As defined in section 103.1925)	<b>TRANSIT AND PARKING IMPROVEMENT FEE</b>
<b>D. COMMERCIAL SERVICES</b>	
Ambulance Services	\$1.50 per square foot
Animal Hospitals	\$1.50 per square foot
Artist' Studios	\$1.50 per square foot
Banks, Credit Unions, and Savings and Loan Associations	\$1.50 per square foot
Banquet Facilities, Clubs & Lodges	\$1.50 per square foot
Building materials & Services	\$1.50 per square foot
Business & Home Services	\$1.50 per square foot
Catering Services	\$1.50 per square foot
Commercial Recreation & Entertainment	\$1.50 per square foot
Commercial Communication Facilities	\$1.50 per square foot
Eating & Drinking Establishments	\$1.50 per square foot
Laboratories-	\$1.50 per square foot
Mortuaries	\$1.50 per square foot
Nurseries, Plant	\$1.50 per square foot
Personal Improvement Services	\$1.50 per square foot
Personal & Convenience Services	\$1.50 per square foot
Research & Development Services	\$1.50 per square foot
Visitor Accommodations	
Bed & Breakfast	\$1500 per room
Hotels & Motels	\$1500 per room
Single Room Occupancy	-

<b>LAND USE CLASSIFICATIONS</b> (As defined in section 103.1925)	<b>TRANSIT AND PARKING IMPROVEMENT FEE</b>
<b>E. PUBLIC AND SIMIPUBLIC</b>	
Colleges & Universities	\$750 per faculty & staff
Community & Human Care Facilities	\$1.50 per square feet
Correctional Placement Center	\$1.50 per square feet
Cultural Institutions	\$1.50 per square feet
Hospitals/Clinics	\$1.50 per square feet
Park & Recreation Facilities	\$1.50 per square feet
Performing Arts/Theatres	\$1.50 per square feet
Religious Assembly	\$1.50 per square feet
Schools, Public or Private	\$750 per faculty & staff
Transportation Facilities	
Major	\$1.50 per square feet
Limited	\$1.50 per square feet
<b>F. VEHICLE/EQUIPMENT SALES AND SERVICES</b>	
Automobile Rentals	\$0.75 per square foot
Automobile Washing & Detailing	\$0.75 per square foot
Service Stations	\$0.75 per square foot
Vehicle/Equipment Sale & Rental	\$0.75 per square foot
Vehicle/Equipment Repair, Limited	\$0.75 per square foot
<b>G. INDUSTRIAL</b>	
Industry	

<b>LAND USE CLASSIFICATIONS</b> (As defined in section 103.1925)	<b>TRANSIT AND PARKING IMPROVEMENT FEE</b>
General	\$0.75 per square foot
Limited	\$0.75 per square foot
Maintenance & Service Facilities	\$0.75 per square foot
Marine Industry	\$0.75 per square foot
Trucking Terminals	\$0.75 per square foot
Utilities	
Major	\$0.75 per square foot
Limited	\$0.75 per square foot
Wholesaling, Distribution and Storage	\$0.75 per square foot

- = exempt from fees

*(Added 5-11-1992 by O-17766 N.S.)*

**§103.1959 Conditional Use Permit for Living Units**

(a) Purpose and Intent

It is the purpose of the living unit ordinance to create a rental and home ownership demonstration program in the Centre City Community Planning Area for lower income people. This new type of housing unit has been made possible by enabling legislation enacted by the State of California.

(b) Permitted Locations

Not to exceed three living unit projects may be permitted by a Conditional Use Permit in the Centre City Community Planning Area.

(c) Definitions

- (1) “Living Unit” means an enclosed space of more than 150 net square feet which is not required to, but may contain a full or partial kitchen and bathroom.

- (2) “Living Unit Project” means a building containing 12 or more living units.
  - (3) “Complete Bathroom” means a room containing all of the following: a toilet, sink, and shower or tub. A partial bathroom is missing at least one of the above facilities.
  - (4) “A Full Kitchen” means room containing all of the following: a sink, refrigerator and stove, range top or oven. A partial kitchen is missing at least one of the above facilities.
  - (5) “Common Indoor Space” means all usable interior common areas not used for circulation or service facilities. Common indoor space includes lobby, recreation room or reading rooms.
  - (6) “Living Unit Transit Corridor” means the area within 500 feet of existing accessible public bus lines having a fifteen minute level of service frequency as established by the Metropolitan Transit Development Board (MTDB) identified on Map No. C-794, on file in the office of the City Clerk.
  - (7) “Living Unit Transit Node” means the area within 500 feet of existing and proposed trolley stops. Proposed trolley stops are those that have been approved for development by the MTDB with identified funding available identified on Map No. C-794, on file in the office of the City Clerk.
  - (8) “Lower Income” means any household whose income is below 80 percent of the median household income for the region, and as adjusted for a one-person household.
- (d) Development Criteria

Living unit projects in The City of San Diego may be permitted by Conditional Use Permit subject to the provisions of this Section and are not subject to existing residential density standards.

- (1) Unit Requirements.
  - (A) Each unit within a living unit project must have at least 150 square feet of net floor area. The average size of all living units may not exceed 275 square feet. When a living unit exceeds



400 square feet in area, existing underlying zone density and parking standards for a one bedroom apartment unit apply.

- (B) Maximum occupancy is two persons.
  - (C) A full kitchen is not required in every living unit. However, a kitchen sink with garbage disposal and counter top is required in every living unit. The counter top must be a minimum of 12 inches deep by 24 inches wide
  - (D) A refrigerator and microwave oven must be provided in, or be available from the permittee for every living unit. Electrical outlets for these appliances must be provided in proximity to the sink and counter top.
  - (E) Each living unit must be pre-wired for phone and cable television service.
  - (F) A complete bathroom is not required in every living unit. However, each living unit must include a private toilet. If a private toilet is not enclosed within each living unit, the permittee shall screen the toilet.
  - (G) A closet and designated storage space is required in every living unit.
  - (H) Handicap access facilities are required as stated in applicable state or local law. However, at least one handicapped-accessible unit is required for every 25 units.
- (2) Project Requirements.
- (A) Showers/Bathtubs. Each living unit that is not provided with a private shower and/or bathtub must be served by a shared shower (and optionally, a bathtub). Shared bathing facilities must be provided at a ratio of at least one facility for every five units, or fraction thereof, which lack a private bathing facility. Each shared bathing facility must be on the same floor as the units it is intended to serve, and must be directly accessible from a common area or hallway.
  - (B) Each shared bathroom facility must have an interior lockable

door.

- (C) At least one janitorial closet with sink is required on each floor.
- (D) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 15 units or fractional number thereof. At least one washer and one dryer is required in every living unit project. The laundry facility must be located near the common indoor space. Washers and dryers may be coin operated.
- (E) A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold water must be provided on each floor of the living unit building.
- (F) Common indoor space is required in each living unit project. For each living unit sized as follows, minimum common indoor space requirements per living unit shall be:

Common Indoor Space Requirements Per Living Unit	
Living Unit Size	4.5 square feet
160-169 square feet	4.0 square feet
170-179 square feet	3.5 square feet
180+ square feet	3.0 square feet

- (G) In no case must common indoor space be less than 200 square feet in any living unit project.
- (H) All living unit buildings for rent must have either a front desk with a full view of the entry area, staffed 24 hours a day, seven days a week, or an operational outdoor entry intercom system with intercoms in each living unit and the manager's apartment.
- (I) All living unit buildings must be equipped with fully automatic, Class I, fire sprinkler systems.

In living unit buildings up to and including three stories in height, the Building Official shall consider alternate equivalents when a fire sprinkler system is provided. The fire sprinkler

system must be provided pursuant to this section and it must not otherwise be required by any other applicable code or regulation. Such alternatives may include but are not limited to the following items:

- (i) Fire-rated stair enclosures may have 20-minute, fire-rated, self-closing, tight-fitting, smoke and draft control assemblies.
- (ii) Exit courts may discharge into one-hour, fire-resistive corridors.
- (iii) No requirements for 20-minute, fire-rated, smoke and draft control assembly separation between elevator shafts and one-hour, fire-rated corridors.
- (iv) No requirements for Class II standpipe systems (fire hose cabinets).
- (v) Reduction of standpipe size requirement from four-inch to two and one-half inch diameter or equivalent flow.
- (vi) The use of plastic pipe as an alternate to cast iron pipe.

The determinations made pursuant to this subsection by the Building Official shall be on a case-by-case basis and are appealable exclusively to the Board of Building Appeals and Advisors.

- (J) A manager's unit is required in every living unit project. The manager's unit must be a complete dwelling unit and so designated on all plans.
- (K) A supply room must be provided adjacent to the manager's unit.
- (L) All living units must have posted in the common indoor space area a notice from the City regarding contact procedures to investigate housing code violations.
- (M) An adequate number of trash cans with close fitting covers must be provided on each floor. Management controlled locked

trash chutes must be provided on every floor above ground level.

- (N) In every living unit lobby area, pay telephones, a drinking fountain and mail boxes must be provided.
- (O) The architecture creates a livable space in a small area with multi-use features and incorporates security and acoustic features, particularly in the light wells, if any.

(3) Parking Requirements.

- (A) Base Parking Requirement. The number of required off-street parking spaces is 0.90 per living unit. If a living unit is rent restricted at monthly rentals affordable to an individual earning 65 percent of the median area income or less, the number of required off-street parking spaces is 0.70 per unit.
- (B) At the request of the applicant and with the approval of the Development Services Director and City Engineer, City Manager in-lieu-of fees may be used when a public improvement project providing additional parking and found to be in conformance with the community plan is within one-quarter-mile of the subject property. The total number of spaces which may be provided for through this provision is equivalent to 50 percent of the required base and supplemental parking as calculated after any permitted reductions. The fee is 150 percent of the estimated cost per net additional space required to be provided for by financing of the identified public improvement project.
- (C) Except in the Coastal Overlay Zone, an exemption from parking requirements of Section 103.1959(d)(3) shall be considered by the City Council for projects in designated Redevelopment Areas and granted only if the City Council finds that the project will contribute to the health, safety, and general welfare and that its contribution will exceed any negative impact caused by implementation of the project.

- (4) Management Plan. For living unit projects for rent, a management plan must be submitted for review with the living unit permit application. The Management Plan must contain management policies, operations,

rental procedures, maintenance plans and staffing needs. An on-site, 24-hour manager is required in every living unit project. The rental procedures must allow for both weekly and monthly tenancies and specify deposit requirements for each type of tenancy.

(e) Rent Restrictions

Rent restrictions are determined by the base number of vehicular parking spaces provided under Section 103.1959(d)(3)(A). In any event, the applicant shall file an affordable rent agreement with the Housing Commission and must record the agreement in the office of the County Recorder before a building permit may be issued. The agreement shall be enforced pursuant to Section 103.1959(g)5. No living unit may be occupied by or sold to a person or persons whose income exceeds 80 percent of median area income as most recently defined by the Department of Housing and Urban Development (HUD) for the Standard Metropolitan Area of San Diego, California, as adjusted for a one-person household. All living units shall be rent restricted at a rate which when combined with costs for electricity, gas, and water does not exceed 22.5 percent of median income for a single person household. Additional limitations on rent may be made if public subsidies are provided. An exemption under this section shall be considered by the City Council for projects in designated Redevelopment Areas and granted only if the City Council finds that the project will contribute to the health, safety and general welfare and that such contribution will exceed any negative impact created by implementation of the project.

(f) Owner Occupancy Requirements and Resale Limitations

If condominium living units are offered for sale, they may be sold or resold only to owner-occupants. No living unit may be sold to a person or persons whose income exceeds 80 percent of median area income as most recently defined by the Department of Housing and Urban Development (HUD) for the Standard Metropolitan Area of San Diego, California, as adjusted for a one-person household. If an owner cannot sell after a 90-day listing period, the property must be listed with the Housing Commission for rental at cost to cover mortgage, taxes, association fees and insurance.

(g) Administration

- (1) Living Unit Conditional Use Permit Required. A Living Unit Conditional Use Permit is required before an applicant may apply for any other City required permit. No person may begin any construction

or remodeling to provide living units without first obtaining a Living Unit Conditional Use Permit in accordance with this section.

- (2) Application. An applicant must apply for a Living Unit Conditional Use Permit in accordance with Land Development Code Section 112.0102. The application must also include:
  - (A) Copies of fully dimensioned floor plans and specifications indicating living unit sizes and electrical outlets as required by Paragraph E of this Section.
  - (B) The plans shall include any proposals that will require an encroachment permit on the public right-of-way.
  - (C) The plans shall specify whether the project is to be a rental or a condominium project.
  - (D) Copies of a Management Plan to include management policies, proposed rent schedule, rental procedures, maintenance and cleaning, and staffing.
  - (E) Copies of the conditions, covenants and restrictions (CCR's) which stipulate that units for sale may be sold or resold only to owner-occupants, and which stipulate the terms of resale. If an owner cannot sell after a 90-day listing period, the property must be listed with the Housing Commission for rental at cost to cover mortgage, taxes, association fees and insurance.
  - (F) A location map pursuant to the requirements in Section 103.1959(b).
- (3) An application for a Living Unit Conditional Use Permit may be approved, conditionally approved or denied by the President. The President's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.
- (4) Building Permit Issuance. If an application for a Living Unit Conditional Use-Permit has been approved, and the rent agreement has been recorded, the City Manager is authorized to issue any other requisite permits for the project, provided it conforms to all other regulations and ordinances of the City of San Diego.

- (5) Enforcement.
- (A) Violations. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section or the Living Unit Conditional Use Permit shall be guilty of a misdemeanor as defined in Chapter One of the San Diego Municipal Code. Any person convicted of a misdemeanor under the provisions of this code shall be punished in accordance with Section 12.0201. Further, the imposition of civil penalties, pursuant to Sections 12.0801 through 12.0810 of the Municipal Code is an alternative method of enforcement. Each such person shall be guilty of a separate offense for each and every day during which any violation of any provision of the Living Unit Ordinance is committed, continued, or permitted by such person and shall be punished accordingly.
- (B) Low-Income Occupancy and Rents. The staff of the Housing Commission has the responsibility for the verification, certification and enforcement of lower income occupancy and the monitoring of living unit rents and shall report findings on an annual basis to the City Council. Living unit owners shall provide appropriate documentation to the Housing Commission on an annual basis to verify compliance with requirements defined in Section 103.1959(e).
- (C) Planning Powers. The City Manager shall invoke the powers of enforcement and inspection as provided for in Land Development Code Chapter 12 (Land Development Reviews) for any violation of this Section except for those responsibilities delegated to the Housing Commission or the Building Official.
- (D) Housing Inspection. The Building Official or assigned representative shall invoke the powers of enforcement and inspection as provided for in Section 98.0104 of the Municipal Code for all matters normally enforced by the City Manager.
- (E) Revocation of the Living Unit Conditional Use Permit and Conversion Provisions. Failure of owners to comply with ongoing conditions may result in the revocation of the Living Unit Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 1, Division 3

(Violations of the Land Development Code and General Remedies). A Living Unit Conditional Use Permit may be revoked if any one or more of the following grounds are found:

- (i) That the Living Unit Conditional Use Permit is being or has been exercised contrary to the provisions of the permit or of this Section or in violation of any applicable licenses, permits, regulations or laws;
  - (ii) That the use for which the Living Unit Conditional Use Permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance; or
  - (iii) That the property or any structure thereon subject to the Living Unit Conditional Use Permit has been abandoned or the use authorized by the permit has ceased for a period exceeding 12 months and no time extension has been granted for a longer time.
  - (iv) That restricted rents are not in compliance with the rent agreement filed with the Housing Commission. If the finding is made that the rent agreement has been violated, the permit holder shall make restitution of the amounts in excess of those provided by the Rent Agreement to the tenants and shall pay an equal amount to the lease/sale proceed funds administered by the Housing Commission, in addition to any remedies provided by the Rent Agreement.
- (F) Civil Actions. The City may institute a civil action to recover in damages all rents paid to the owner if the owners of condominium units fail to comply with the owner occupancy requirements of Section 103.1959(f)
- (G) Review Procedures.

The San Diego Housing Commission shall report to the City Council on an annual basis the location and number of living units that have been completed in the previous year, the monthly rents of each living unit, the monthly income of living unit residents, the number of vehicles owned by residents and



the adequacy of management services.

*(Added 4-7-1998 by O-18480 N.S.; amended 10-18-1999 by O-18692 N.S.; effective 1-1-2000.)*





